

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

<p>Dr. Fiona Axelsson, Plaintiff, vs. University of North Dakota School of Medicine and Health Sciences; Sanford; Sanford Health; and North Dakota Professional Health Program, Defendants.</p>	<p>Case No.: 3:22-cv-00056</p> <p>Plaintiff and Defendant North Dakota Professional Health Program's Joint Motion for Order of Dismissal</p>
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[1] Pursuant to Rule 41(a)(1)(B)(2) of the Federal Rules Civil Procedure, Plaintiff and Defendant North Dakota Professional Health Program (NDPHP) hereby move this Court for an Order dismissing any and all claims alleged against NDPHP in Plaintiff's Amended Complaint consistent with the Stipulation of Dismissal with Prejudice that accompanies this motion. The basis for the motion is as follows:

LAW AND ARGUMENT

[2] Plaintiff and Defendant NDPHP have agreed to dismiss with prejudice any and all claims against NDPHP that were raised or which could have been raised in the lawsuit, along with Plaintiff and NDPHP further agreeing to each bear their own costs, expenses, and attorney fees incurred herein. The Stipulation does not affect Plaintiff's claims against Defendant University of North Dakota School of Medicine and Health Sciences or Defendant Sanford and Sanford Health.

[3] Consistent with Rule 41(a)(1)(A)(ii), Fed. R. Civ. P., the Stipulation of Dismissal was presented to counsel for Defendants UND and Sanford, neither of which, and for reasons unexplained, has authorized their signature on the Stipulation. There are no counterclaims, cross claims, or third party claims that would preclude the dismissal agreed-to between Plaintiff and Defendant NDPHP.

[4] Accordingly, Plaintiff and Defendant ND PHP respectfully request the Court issue an order of dismissal with prejudice under Rule 41(a)(1)(B)(2), Fed. R. Civ. P. and on the terms consistent with these parties' Stipulation of Dismissal.

Dated this 11th day of April, 2023.

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Dated this 11th day of April, 2023.

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Certificate of Service

I certify that on April 11, 2023, the foregoing document was filed electronically with the Clerk of Court through ECF and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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Dated this 11th day of April, 2023.

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